

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8692 of 1990

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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Versus

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Appearance:

Mr.Harin P.Raval,Advocate for the petitioner

MR RA MISHRA for Respondent No. 1

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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 21/08/96

ORAL JUDGEMENT

The petitioner is serving as Medical Officer under the respondents. Feeling aggrieved by the order dated 11th

December 1990 transferring the petitioner from Primary Health Centre, Menpura,, Taluka Thasara to the Government dispensary, Khadal, Taluka Kapadwanj the petitioner filed above writ petition before this Court. This court entertained the said petition and granted ad-interim order staying the operation and implementation of the impugned order of transfer. Said interim order later on has been confirmed on 10th June 1991. The respondents have filed Civil Application No.1181 of 1992 praying for vacation of the said interim injunction.

The impugned order of transfer has been made on 11th December 1990 and the operation of the same has been stayed till today. I am of the view that the impugned order cannot now be implemented after more than six years. Said order is, therefore, hereby quashed and set aside.

Petition is allowed. Rule is made absolute. It is however clarified that the respondents may transfer the petitioner if necessary and in accordance with law. There shall be no order as to costs.

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Civil Application No.1181 of 1992  
In  
Spl.Civil Application No.8692 of 1990

CORAM:Miss R.M.Doshit,J.

ORAL ORDER;

In view of the order made on the main Special Civil Application no order on the Civil Application.

Dated:21-8-1996. (Miss R.M.Doshit,J.)